

**UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF TENNESSEE**

**CRAIG CUNNINGHAM,**

**Plaintiff,**

**v.**

**ENAGIC USA, INC., et al.**

**Defendant.**

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**Civil Action No. 3:15-cv-0847**

**DEFENDANT OSCAR CHRISTIAN KINNEY’S  
MOTION TO SET ASIDE DEFAULT JUDGMENT**

Defendant Oscar Christian Kinney (“Kinney”) hereby moves the Court, pursuant to Federal Rules of Civil Procedure 55(c) and 60(b) to set aside the entry of default and entry of default judgments entered in this action, the latest of which was entered on January 16, 2018. [Dkt. Ety. 274]. Particularly, Kinney moves under Federal Rule 60(b)(4) for relief from a void judgment. Because Kinney was never served in this matter, the Court lacked jurisdiction to enter such judgment. For the reasons stated in the memorandum of law filed in support of this motion along with the Declaration of Kinney, defendant respectfully submits that the motion should be granted. Additionally, Kinney requests, under Fed. R. Civ. P. 4(m) that this matter be dismissed with prejudice.

Respectfully submitted,

/s/ D. Gil Schuette

D. Gil Schuette (No. 30336)

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**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that on the 25th day of March, 2019, a true and exact copy of the foregoing has been served upon the following via the court's CM/ECF system:

Craig Cunningham  
5543 Edmondson Pike, Ste 248  
Nashville, TN 37211

/s/ D. Gil Schuette